IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
Civil Action No. 1:19-cv-1126-NCT-LPA

KATHERINE GUILL, on behalf of herself and
others similarly situated,

        Plaintiffs,

        v.

BRADLEY R. ALLEN, SR., in his official
capacity as chief district court judge, et al.,

        Defendants.

**<u>JUDICIAL DEFENDANTS'
MOTION FOR SUMMARY
JUDGMENT</u>**

Fed. R. Civ. P. 56

NOW COME Bradley R. Allen, Sr., Chief District Court Judge, D. Thomas

Lambeth Jr., Senior Resident Superior Court Judge, and Magistrate Judges Jeffrey D.

Hollan, Kelly Councilman, David Crabbe, Rhonda Crisp, Bertram Heathcote, Wendy

Hunter, Amelia Knauff, Julia King, Helena Rodgers, Kimesha Thorpe, Jason Roney, and

Elizabeth Eddins (collectively, "Judicial Defendants"), by and through counsel, hereby

move the Court, pursuant to Fed. R. Civ. P. 56, for summary judgment as to all claims.

The Record establishes that there are no genuine material issues of fact and that Defendants

are entitled to prevail as a matter of law as to Count One (alleging violations of Plaintiffs'

rights to equal protection and due process of law under the Fourteenth Amendment), Count

Two (alleging violations of Plaintiffs' rights to substantive due process under the

Fourteenth Amendment), Count Three (alleging violations of Plaintiffs' right to procedural

due process under the Fourteenth Amendment), and Count Four (alleging violations of

Plaintiffs' right to counsel for bail determinations under the Sixth Amendment).

Judicial Defendants rely upon and move for summary judgment on the grounds set forth in detail in the Memorandum of Law being contemporaneously filed in support of this Motion. The record establishes as a matter of law that Plaintiffs' claims in Counts One, Two, and Three are moot in light of the new pretrial release policy implemented by Judicial Defendants on July 1, 2020. As for any claim of an entitlement under the Due Process Clause – in Count Three – or the Sixth Amendment – in Count Four – to representation by counsel at bail determination hearings, Judicial Defendants are entitled to judgment as a matter of law on the grounds that neither Amendment imposes such a requirement. Moreover, with respect to Count Four, Judicial Defendants are entitled to immunity under the Eleventh Amendment and *Ex Parte Young*.

In support of this motion, Defendants rely upon the pleadings on file in this case and the following Exhibits which are attached to this Motion:

Exhibit 1:   Affidavit of Bradley R. Allen, Sr. (with Exhibits)

Exhibit 2:   Affidavit of D. Thomas Lambeth, Jr. (with Exhibits)

Exhibit 3:   Affidavit of Jeffrey D. Hollan (with Exhibits)

Exhibit 4:   Excerpts of Deposition of Bradley R. Allen, Sr.

Exhibit 5:   Excerpts of Deposition of D. Thomas Lambeth, Jr.

Exhibit 6:   Excerpts of Deposition of Jeffrey D. Hollan

Judicial Defendants also rely upon a video file containing a recording of a portion of the substantive training Judicial Defendants received prior to the implementation of the

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new pretrial release policy. Per the Court's instructions, the video file will be filed manually with the Court.

WHEREFORE, Judicial Defendants respectfully request that the Court:

1. Grant their Motion for Summary Judgment;

2. Enter judgment for them on all of Plaintiff's claims; and

3. Grant any other relief the Court deems appropriate.

This the 7th day of July, 2022.

JOSHUA A. STEIN
Attorney General

/s/ Joseph Finarelli
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<center>**CERTIFICATE OF SERVICE**</center>

I do hereby certify that I have on this day electronically filed a copy of the foregoing

JUDICIAL DEFENDANTS' MOTION FOR SUMMARY JUDGMENT with the

Clerk of the Court using the CM/ECF system, which will send notification of such filing

to all registered CM/ECF users.

This the 7th day of July, 2022.

/s/ Joseph Finarelli
Joseph Finarelli
Special Deputy Attorney General